

**Department of Legislative Services**  
Maryland General Assembly  
2006 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 971

(Senators Conway and Greenip)

Education, Health, and Environmental Affairs

Environmental Matters

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**State Ethics Law - Architectural and Engineering Services - Applicability of  
Restrictions on Participation in Procurement**

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This bill allows certain individuals that provided architectural and engineering (A&E) services during the design phase of a construction project to bid or assist another person in submitting a bid on the construction contract for that project. Specifically, they may bid on the contract if the design services did not involve lead or prime design responsibilities or construction phase responsibilities on behalf of the State, and (1) the construction contract is valued at not less than \$2.5 million or not more than \$100 million; *or* (2) their payment for the A&E services was \$500,000 or less, regardless of the amount of the procurement contract.

The bill takes effect July 1, 2006 and terminates June 30, 2008.

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**Fiscal Summary**

**State Effect:** None. The bill does not affect the value of State procurements.

**Local Effect:** None.

**Small Business Effect:** Minimal.

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**Analysis**

**Current Law:** In general, individuals or firms that assist in designing a procurement may not submit a bid or proposal for that procurement, subject to certain exemptions. Individuals or firms that provide A&E services for the design of a State construction

project are exempt from the prohibition under certain conditions. Specifically, they may submit a bid or proposal for the project if the anticipated value of the project is between \$2.5 million and \$40 million, and if the design services do not involve lead or prime design responsibilities on behalf of the State.

Between July 1, 2006 and June 30, 2008, the upper limit of the project value increases to \$100 million. Beginning July 1, 2008, only A&E services related to programming, master planning, or other project planning are exempt.

**Background:** The Department of General Services and the Maryland Department of Transportation are not aware of any firm or individual that would be affected by this bill.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of General Services, Board of Public Works, State Ethics Commission, Governor's Office, Maryland Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - March 15, 2006  
ncs/rhh Revised - Senate Third Reader - March 31, 2006

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